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PART IV

Acts of Parliament assented to by the President

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 7th March, 1950

The following Acts of Parliament received the assent of the President on the 1st March, 1950 and are hereby published for general information:—

THE IMMIGRANTS (EXPULSION FROM ASSAM) ACT, 1950.

No. X of 1950

In Act to provide for the expulsion of certain immigrants from Assam.

Be it enacted by Parliament as follows:—

1. Short title and extent.—(1) This Act may be called the Immigrants (Expulsion from Assam) Act, 1950.

(2) It extends to the whole of India.

2. Power to order expulsion of certain immigrants.—If the Central Government is of opinion that any person or class of persons, having been ordinarily resident in any place outside India, has or have, whether before or after the commencement of this Act, come into Assam and that the stay of such person or class of persons in Assam is detrimental to the interests of the general public of India or of any section thereof or of any Scheduled Tribe in Assam, the Central Government may by order—

(a) direct such person or class of persons to remove himself or themselves from India or Assam within such time and by such route as may be specified in the order; and

(b) give such further directions in regard to his or their removal from India or Assam as it may consider necessary or expedient;

Provided that nothing in this section shall apply to any person who on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been displaced from or has left his place of residence in such area and who has been subsequently residing in Assam.

3. Delegation of power.—The Central Government may, by notification in the Official Gazette, direct that the powers and duties conferred or imposed on it by section 2 shall, subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by—

- (a) any officer subordinate to the Central Government;
- (b) the Government of Assam or any officer subordinate to that Government.

4. Power to give effect to orders, etc.—Any authority empowered by or in pursuance of the provisions of this Act to exercise any power may, in addition to any other action expressly provided for in this Act, take or cause to be taken such steps, and use or cause to be used such force, as may in its opinion be reasonably necessary for the effective exercise of such power.

5. Penalties.—Any person who—

- (a) contravenes or attempts to contravene or abets the contravention of any order made under section 2, or
- (b) fails to comply with any direction given by any such order, or
- (c) harbours any person who has contravened any order made under section 2 or has failed to comply with any direction given by any such order,

shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.

6. Protection to persons acting under this Act.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

7. Repeal and saving.—(1) The Undesirable Immigrants (Expulsion from Assam) Ordinance, 1950 (I of 1950) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1950.

No. XI of 1950

An Act further to amend the Indian Railways Act, 1890.

Be it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Indian Railways (Amendment) Act, 1950.

2. Insertion of new section 27A in Act IX of 1890.—After section 27 of the Indian Railways Act, 1890, the following section shall be inserted, namely:—

“27A Power of Central Government to give directions in regard to transport of goods by railway administration.—(1) The Central Government may, if in its opinion it is necessary in the public interest so to do, by general or special order, direct any railway administration to give special facilities for, or preference to, the transport of any such goods or class of goods consigned to the Central Government or to the Government of any State or of such other goods or class of goods as may be specified in the order.

(2) Any order made under sub-section (1) shall cease to have effect after the expiry of six months from the date thereof, but it may be renewed from time to time.

(3) Notwithstanding anything contained in this Act, every railway administration shall bound to comply with any direction given under sub-section (1), and any action taken by a railway administration in pursuance of any such direction shall not be deemed to be a contravention of section 28."

THE EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT, 1950.

No. XII of 1950.

An Act to prevent the improper use of certain emblems and names for professional and commercial purposes.

BE it enacted by Parliament as follows:—

1. Short title, extent, application and commencement.—(1) This Act may be called the Emblems and Names (Prevention of Improper Use) Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kasbmir, and also applies to citizens of India outside India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "emblem" means any emblem, seal, flag, insignia, coat-of-arms or pictorial representation specified in the Schedule;

(b) "competent authority" means any authority competent under any law for the time being in force to register any company, firm or other body of persons or any trade mark or design or to grant a patent;

(c) "name" includes any abbreviation of a name.

3. Prohibition of improper use of certain emblems and names.—Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use, or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark or design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of Government as may be authorised in this behalf by the Central Government.

4. Prohibition of registration of certain companies, etc.—(1) Notwithstanding anything contained in any law for the time being in force, no competent authority shall—

(a) register any company, firm or other body of persons which bears any name, or

(b) register a trade mark or design which bears any emblem or name, or

(c) grant a patent in respect of an invention which bears a title containing any emblem or name,

the use of such name or emblem is in contravention of section 8.

(2) If any question arises before a competent authority whether any emblem is an emblem specified in the Schedule or a colourable imitation thereof, the competent authority may refer the question to the Central Government, and the decision of the Central Government thereon shall be final.

5. Penalty.—Any person who contravenes the provisions of section 8 shall be punishable with fine which may extend to five hundred rupees.

6. Previous sanction for prosecution.—No prosecution for any offence punishable under this Act shall be instituted, except with the previous sanction of the Central Government or of any officer authorised in this behalf by general or special order of the Central Government.

7. Savings.—Nothing in this Act shall exempt any person from any suit or other proceeding which might, apart from this Act, be brought against him.

8. Power of the Central Government to amend the Schedule.—The Central Government may, by notification in the Official Gazette, add to or alter the Schedule, and any such addition or alteration shall have effect as if it had been made by this Act.

9. Power to make rules.—The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

THE SCHEDULE

[See sections 2(a) and 3.]

1. The name, emblem or official seal of the United Nations Organization.
2. The name, emblem or official seal of the World Health Organization.
3. The Indian National Flag.
4. The official seal or emblem of the Government of India or of any State or any other insignia or coat-of-arms used by any such Government or by a Department of any such Government.

K. V. K. SUNDARAM,
Secy. to the Govt. of India